



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
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August 19, 2015

Ms. Julie Childers
Superintendent
Wilcox County School District
395 College Street West
Abbeville, GA 31001

Re: Complaint #04-13-1377

Dear Ms. Childers:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its resolution process of the above-referenced complaint received on February 4, 2014, against the Wilcox County School District (District). The Complainant alleged that the District engaged in employment discrimination on the basis of race. Specifically, the Complainant alleged that the District discriminates, on the basis of race, in the hiring of African American teachers and administrators.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. Sections 2000d *et seq.*, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, or national origin by recipients of Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the District is subject to this law.

OCR initiated an investigation in this matter to determine whether the District discriminated in the hiring of African American teachers and administrators thereby violating the Title VI implementing regulation at 34 C.F.R. Section 100.3. During its investigation, OCR reviewed documents provided by the District and the Complainant and interviewed District staff and the Complainant.

Prior to the conclusion of OCR's investigation, the District expressed an interest in resolving this matter. The District and OCR then began negotiations and the District entered into a resolution agreement (Agreement) that addresses the allegations in the complaint. Pursuant to Section 302 of OCR's Case Processing Manual (CPM), a complaint may be resolved prior to the conclusion of the investigation when a recipient expresses an interest in such a resolution and OCR determines that such a resolution is appropriate. This letter summarizes the applicable legal standards, the information gathered during OCR's review, and the Agreement.

Legal Standard

The regulation implementing Title VI, at 34 C.F.R. Section 100.3(c)(1) and (3), grants OCR jurisdiction to investigate employment discrimination complaints when: (1) a primary objective of Federal financial assistance from the Department is to provide employment; or (2) the recipient of Federal financial assistance from the Department engages in employment practices that have a discriminatory impact on intended beneficiaries (*i.e.*, students) on the basis of race, color, or national origin.

Summary of the Investigation

OCR reviewed the District's employment of teachers for the 2013-2014 school year. During this period, the District employed a total of 102 teachers, composed of 9 African American teachers (9%) and 93 white teachers (91%). OCR also reviewed U.S. Census data regarding teachers available in the District and in the surrounding counties for the same period of time. OCR learned that black teachers comprised about 31% of the labor market in the District and the surrounding counties for the relevant period of time. During the same school year, all 7 school administrators were white.

OCR also reviewed the District's policy titled "Professional Personnel Recruitment" (Recruitment Policy), adopted on October 15, 2013, and identified by "Descriptor Code: GBC." The Recruitment Policy states that the goal of the District's Board of Education is to secure the highly-qualified employees needed to operate an effective and efficient school system. According to the policy, in operating the most effective and efficient school system possible, the Superintendent may recommend to the Board the transfer or reassignment of personnel into positions that best meet the needs of the school system. The Recruitment Policy required that the District post job announcements on the Teach Georgia website and also send job announcements to selected placement offices of institutions affiliated with the Georgia Professional Standards Commission, other institutions as may be appropriate, and to local school administrators and administrators in the surrounding counties for posting in school system facilities. Although the policy required some recruitment efforts, the policy further stated that positions filled through transfers or lateral reassignments shall not be considered vacant within the meaning of the policy and shall not be subject to the announcement, advertisement, or any other provision of this policy. Therefore, under the policy, not all positions were subject to open recruitment.

Conclusion

On July 29, 2015, the District entered into the attached Resolution Agreement, which, when fully implemented, will resolve the issue in the complaint. As detailed in the Agreement, the District has agreed to, among other things, send teacher and administrator job postings to two neighboring historically black colleges and create a committee to participate in teacher and administrator interviews. OCR will monitor the Agreement to ensure the District's compliance with its terms.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records, upon request. If the event OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for your staff's cooperation during the complaint resolution process. If you have any questions, or if we can be of further assistance, please call Virgil Hollis at 404-974-9366.

Sincerely,

Melanie Velez
Regional Director

Enclosure: Resolution Agreement